

Applicant : Vincent P. Stanton, Jr.  
Serial No. : 09/658,659  
Filed : September 8, 2000  
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Attorney's Docket No.: 11926-015001

### Remarks

The presently claimed invention features certain methylenetetrahydrofolate (MTHFR) reductase probes and method for using them.

Applicant thanks the Examiner for granting Applicant's request that species (a)-(h) be examined together.

Applicant has cancelled claims 171-181 and added new claims 192-201. New claims 182 and 192 are similar to previous claims 171 and 181, respectively, except that the species wherein nucleotide 120 of SEQ ID NO:15 is C is not included in either claim.

### Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 171, 177, 179 and 181 as anticipated by Rozen et al. (WO 95/33054). The Examiner stated that Rozen et al. teach as isolated nucleic acid probe comprising at least 15 contiguous nucleotides of SEQ ID NO:15 wherein nucleotide 120 is C.

Claims 171, 177, 179 and 181 have been cancelled. New claims 182 and 192 do not include the species wherein nucleotide 120 of SEQ ID NO:15 is C.

In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S.C. §102(b) be withdrawn.

### Rejections Under 35 U.S.C. §103

The Examiner rejected claims 171, 173-177 and 179-181 as anticipated by Rozen et al. (WO 95/33054) in view of Haugland (U.S. Patent No. 5,443,986). The Examiner stated that it would have been obvious to modify the longer probe of Rozen et al. comprising at least 15 contiguous nucleotides of SEQ ID NO:15 wherein nucleotide 120 is C to provide a 50-500 nucleotide as taught by Haugland.

Claims 171, 173-177 and 179-181 have been cancelled. New claims 182 and 192 do not include the species wherein nucleotide 120 of SEQ ID NO:15 is C.

In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S.C. §103 over Rozen et al. and Haugland be withdrawn.

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Rejections Under 35 U.S.C. §103

The Examiner rejected claims 171, 177-179 and 181 as anticipated by Rozen et al. (WO 95/33054) in view of Cohen et al. (U.S. Patent No. 6,232,456). The Examiner stated that it would have been obvious to modify the DNA probe of Rozen et al. comprising at least 15 contiguous nucleotides of SEQ ID NO:15 wherein nucleotide 120 is C to provide a peptide nucleic acid probe as taught by Cohen et al.

Claims 171, 173-177 and 179-181 have been cancelled. New claims 182 and 192 do not include the species wherein nucleotide 120 of SEQ ID NO:15 is C.

In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S.C. §103 over Rozen et al. and Cohen et al. be withdrawn.

Conclusion

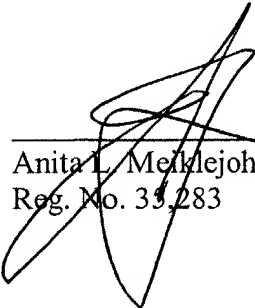
Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be allowed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 27 JUNE 2002

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

  
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Anita L. Melklejohn, Ph.D.  
Reg. No. 33,283

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**Version with markings to show changes made**

In the claims:

Claims 171-181 have been cancelled.